IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2808 OF 2007

Sau. Sumitra Naresh Dongare] .. Petitioner

Versus

1. The Tahsildar, Kalyan & 9 ors.] .. Respondents

Mr. A.A. Garge for the petitioner.

Mr. C.R. Sonawane, AGP, for the respondents No.1 to 5 and 10.

Ms. Saroj K. Shinde h/f Mr. A.S. Rao for the respondent No.6.

Mr. S.M. Kamble for the respondent No.9.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 11TH OCTOBER, 2007

P.C. :

1. This Writ Petition has been filed by the petitioner alleging that he was dispossessed of land in excess of the land which has been acquired. By filing an Affidavit-in-reply, the Government has denied this. Whether the petitioner was dispossessed of land in excess of the land which has been acquired is a disputed question of fact and cannot be adjudicated in Writ Petition. Such a question can be decided at trial in a Suit.

2. In the circumstances, we decline to entertain the Writ Petition leaving the petitioner the remedy to prove his case in a Suit. For this reason, the Writ Petition is dismissed with liberty to the petitioner to approach the Civil Court for appropriate relief.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]